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Docket No. PA-5351-RFB

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Hartley et al.

Atty. Docket. No.: PA-5351-RFB

Customer No.: 9896

Serial No.: 10/726,963

Group Art Unit: 3731

Filed: December 3, 2003

Examiner: Ryan J. Severson

Title: METHOD AND DEVICE FOR TREATING AORTIC DISSECTION

Commissioner for Patents  
Alexandria, VA 22313

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE  
MAILING DATE OF EITHER A FINAL ACTION OR NOTICE  
OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

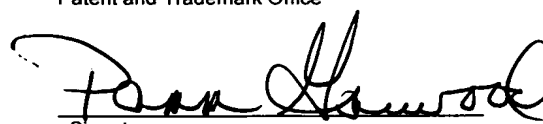
CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING  
☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE  
☐ transmitted by facsimile to the Patent and Trademark Office

Date: November 26, 2003

  
Signature

Pamm Garwood  
(Type or print name of person certifying)

(Transmittal of Information Disclosure Statement before Mailing Date of  
Either A Final Action Or Notice of Allowance [6-4] -- Page 1 of 3)

**NOTE:** "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [if] the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

### TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,

whichever occurs first.

### CERTIFICATION OR FEE

2. Accompanying this transmittal is:  
(check either A or B below)

A. ☐ a certification as specified in 37 CFR 1.97(e)

OR

B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

### FEE PAYMENT

(Complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00)

Fee due \$ 180.00

(Transmittal of Information Disclosure Statement before Mailing Date of  
Either A Final Action Or Notice of Allowance [6-4] -- Page 2 of 3)

**METHOD OF PAYMENT OF FEE**

4. ☐ Attached is check in the amount of \$\_\_\_\_\_

☒ Charge Account No. 13-2528 in the amount of \$180.00  
A duplicate of this request is attached.

If any additional fees are due, please charge Account No. 13-2528.

Date: Nov. 26, 2008

Reg. No.: 30,056

Tel. No.: (812) 330-1824

  
SIGNATURE OF ATTORNEY

Richard J. Godlewski  
(Type or print name of attorney)

P.O. Box 2269  
(P.O. Address)

Bloomington, IN 47402



## CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Pamm Garwood

(Typed or printed name of person signing certification)

Date

Signature

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Hartley et al.

Atty. Docket. No.: PA-5351-RFB

Customer No.: 9896

Serial No.: 10/726,963

Group Art Unit: 3731

Filed: December 3, 2003

Examiner: Ryan J. Severson

Title: METHOD AND DEVICE FOR TREATING AORTIC DISSECTION

## INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97 - 1.98, and more particularly in accordance with 37 C.F.R. §1.97(d), Applicants hereby cite the following references:

4,902,508		Badylak et al.	02/20/1990
5,387,235		Chuter	02/07/1995
5,711,969		Patel et al.	01/27/1998
5,720,776		Chuter et al.	02/24/1998
5,733,337		Carr Jr. et al.	03/31/1998
5,855,619		Caplan et al.	01/05/1999
5,955,110		Patel et al.	09/21/1999
5,797,949		Parodi	08/25/1998
5,968,096		Whitson et al.	10/19/1999
6,287,271		Dubrul et al.	09/11/2001
2002/0147492		Shokoohi et al.	10/10/2002
2004/0054396		Hartley et al.	03/18/2004
2004/0073289		Hartley	04/15/2004
2004/0098079		Hartley et al.	05/20/2004
6,355,056		Pinheiro	03/12/2002
6,383,214		Banas et al.	05/07/2002
6,939,370		Hartley et al.	09/06/2005

7,238,198		Hartley et al.	07/03/2007
Provisional Appl. Serial No. 60/392,667		Hartley et al.	Filed 06/28/2002
Provisional Appl. Serial No. 60/391,737		Hartley et al.	Filed 06/26/2002
WO98/22158		Cook Biotech et al.	05/28/1998
WO98/53761		Cook Australia et al.	12/03/1998
WO99/29262		Cook Australia et al.	06/17/1999
WO00/42947		Gore Enterprise	07/27/2000
WO00/09041		Boston Scientific	02/24/2000
WO03/053287		Cook Incorporated	07/03/2003
International Search Report PCT/US03/ 38388		EPO	10/14/2004
Written Opinion PCT/US03/ 38388		EPO	10/14/2004

Applicants are enclosing Form PTO-1449 (2 sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above references and entry thereof into the record of this application.

The relevance with respect to the citations 8, 10, 11, 15, 16, and 23 - 25 listed on Form PTO-1449 is submitted on the basis of the accompanying International Search Report and Written Opinion that is in the English language which issued on the corresponding International Patent Application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability", as that phrase is defined in 37 C.F.R. §1.56(a).

The information disclosure statement transmitted herewith is being filed **after** the mailing date of the first Office action on the merits, but **before** the mailing date of

either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311.

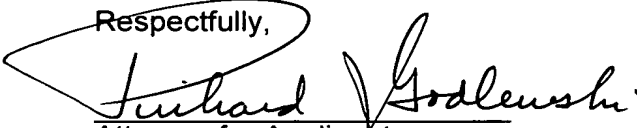
Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

Please address all correspondence to:

Richard J. Godlewski  
Patent Attorney  
P.O. Box 2269  
Bloomington, IN 47402-2269  
(812) 330-1824

Date: Nov. 26, 2008

Respectfully,

  
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Reg. No. 30,056